

The Balboa Bay Club

Planned Community District Regulations

Ordinance No. 94-36
Adopted July 25, 1994
Amendment No. 787

Resolution No. 95-115
Adopted October 9, 1995
Amendment No. 825

Ordinance No. 99-20
Adopted August 10, 1999
Amendment No. 886

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I. INTRODUCTION

The Balboa Bay Club (BBC) is a water oriented, multi-use facility located in the City of Newport Beach as shown in Exhibit 1. The BBC has a General Plan/Local Coastal Program land use designation of Mixed Use Recreational and Marine Commercial/Multi-Family Residential. This Planned Community District will allow for a Club Facility located in the portion of site referred to as Area 1 and a Lodging Facility to be located in the portion of site referred to as Area 2. Both areas are described on the Land Use Plan, Exhibit 2. The Club and Lodging Facilities are discussed in greater detail in the project description.

The purpose of this Planned Community District (PCD) is to implement the goals and policies of the City's General Plan/LCP and all applicable regulatory codes. In this regard, the specifications of this text are intended to provide land use and development standards supportive of the proposed uses, while ensuring City control of a quality development through the adoption of a comprehensive development program.

Whenever the regulations contained herein conflict with the regulations of the Newport Beach Municipal Code, the regulations contained herein shall take precedence. The Municipal Code shall regulate this development when such regulations are not provided within these district regulations. All development within the Planned Community District boundaries shall comply with all provisions of the Uniform Building Code and various mechanical codes related thereto.

Project Location

The BBC is located within the City of Newport Beach at 1221 West Coast Highway. The project is situated between Lower Newport Bay on the south and Coast Highway on the north. The easterly and westerly boundaries respectively abut the Bayshores residential community and the Sea Scout Base/OCC Rowing Base (See Exhibit 1).

Project Description

The Club Facility area (Area 1) is a combination of complimentary uses which includes the following: Guest Facility, Guest Serving Retail Services, Indoor/Outdoor Restaurant, Coffee Shop, Bar and Lounge, Ballroom and Conference Facility, Athletic Facility, Administration Offices, and Marina/Boat Storage and parking. The adjacent Lodging Facility (Area 2) includes: Units in the lodging facility, Parking, Boat Storage, Marina, and Laundry.

In accordance with the California Coastal Act, the BBC Planned Community District shall provide access to the general public (guests and casual visitors) by providing visitor serving uses in the form of a guest facility, banquet and conference facility, and restaurant available for use by the public. Pedestrian access shall be provided to harbor and beach viewpoints through a network of pedestrian corridors (see Exhibits 4 and 5).

II. BALBOA BAY CLUB STATISTICAL ANALYSIS

<u>Short-term Use</u>	<u>Acreage</u>	<u>Dwelling Guest Rooms</u>	<u>Long-term Floor Area Units</u>	<u>Maximum Gross Permitted</u>
Club Facilities Sq. Ft. (Area 1)	8.25 AC	157	-	240,000
Lodging Facility Sq. Ft. (Area 2)	4.40 AC	-	144	247,402
Total Sq.Ft.	12.65 AC	157	144	487,402

Floor Area Ratio = 0.88

Parking Spaces = 466

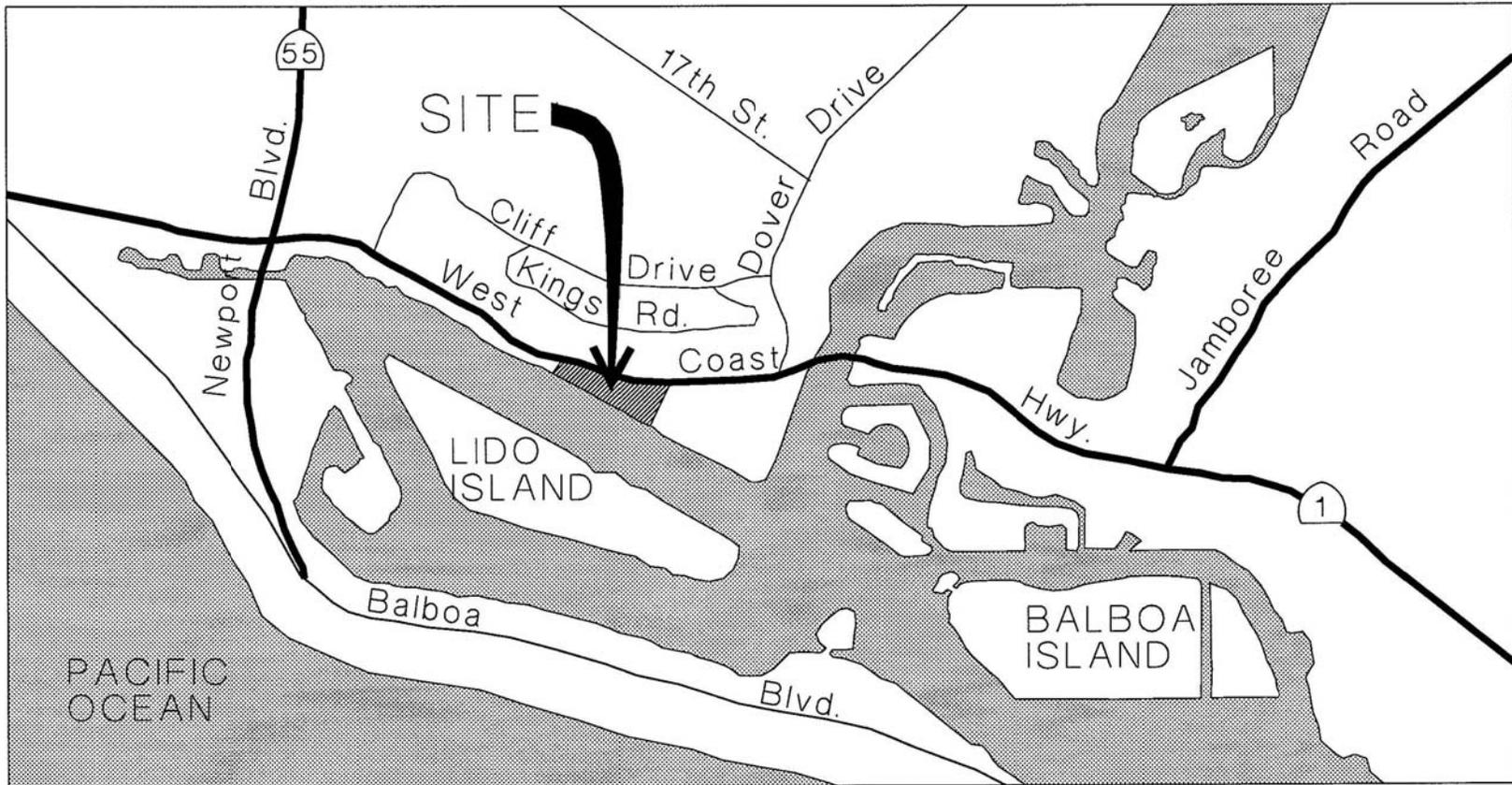


EXHIBIT 1
VICINITY MAP

NO SCALE

Developer:

International Bay Clubs, Inc.

The Balboa Bay Club And Resort

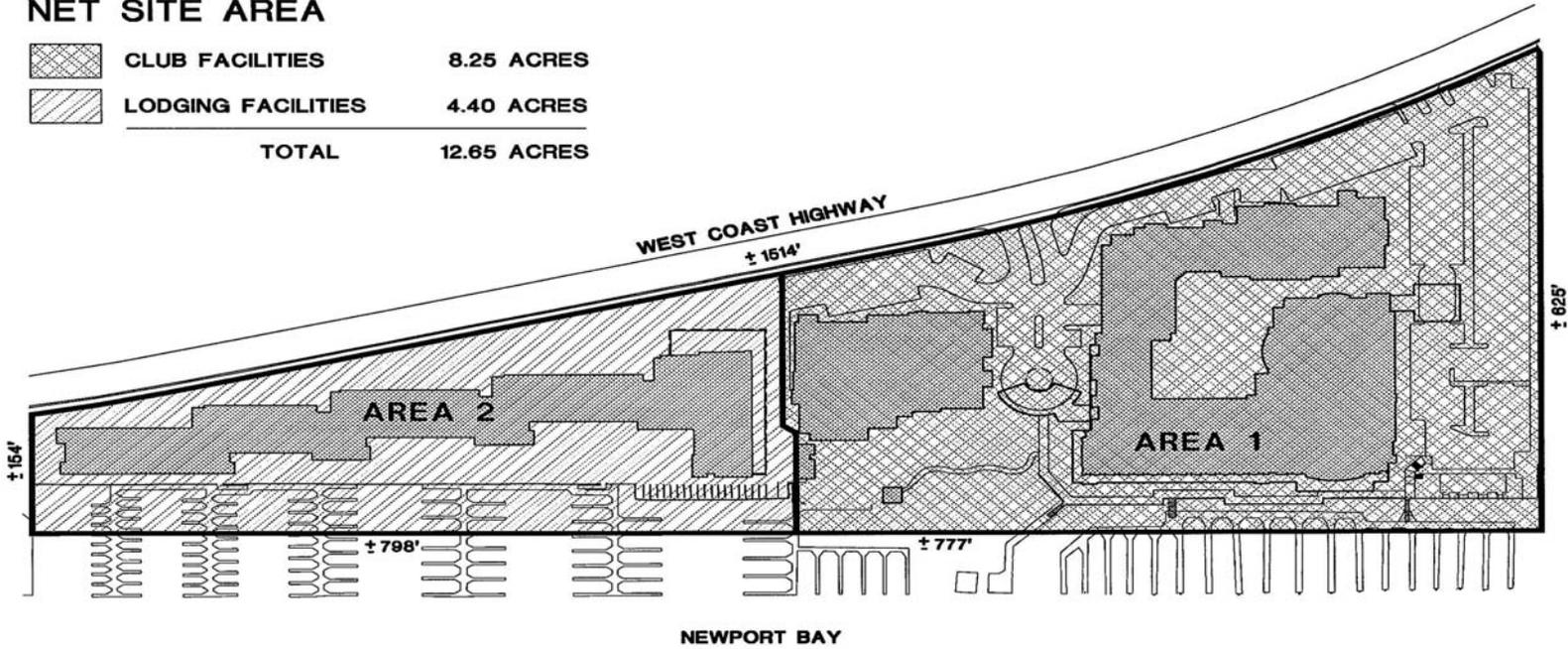
City of Newport Beach, California



SEPT. 22, 1999

NET SITE AREA

	CLUB FACILITIES	8.25 ACRES
	LODGING FACILITIES	4.40 ACRES
TOTAL		12.65 ACRES



**EXHIBIT 2
LAND USE PLAN**

Developer:
International Bay Clubs, Inc.

The Balboa Bay Club And Resort
City of Newport Beach, California



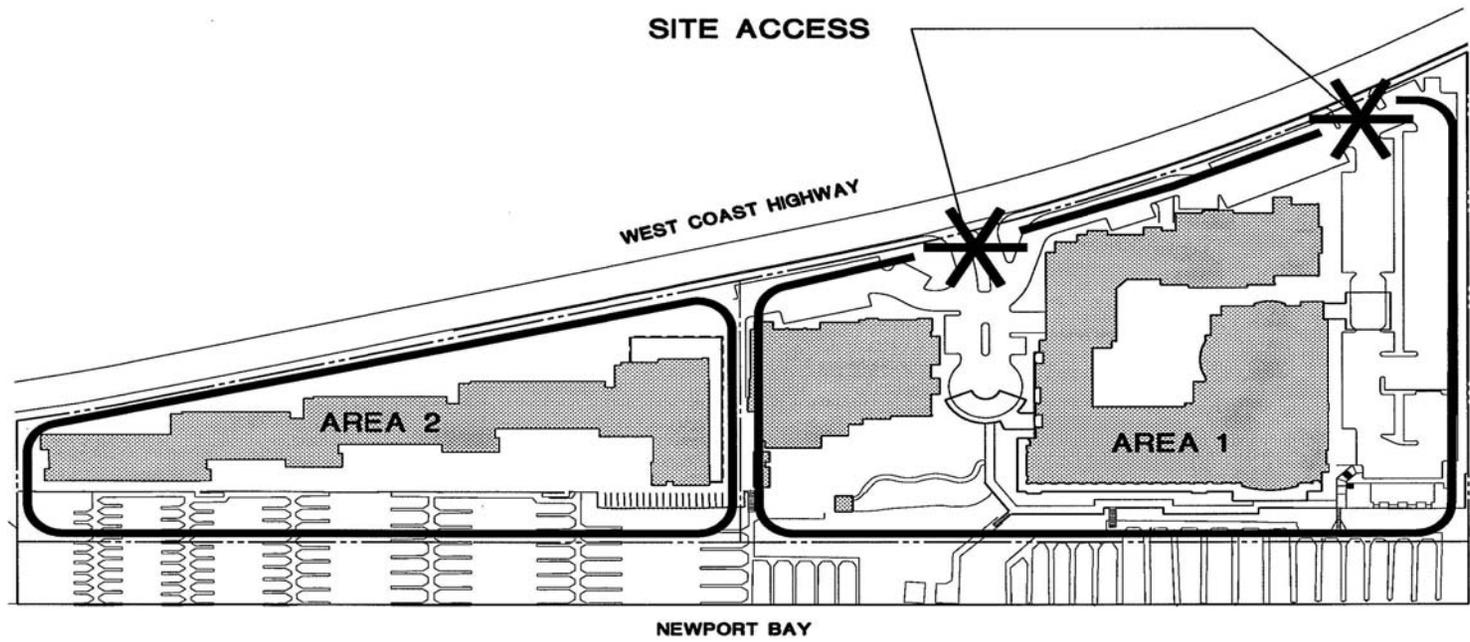


EXHIBIT 3
COMMUNITY DEVELOPMENT PLAN- AREA 1 & 2

Developer:
International Bay Clubs, Inc.

The Balboa Bay Club And Resort
City of Newport Beach, California



III. GENERAL NOTES

1. Zoning Code Applicability
Except as otherwise stated in this text, the requirements of the Newport Beach Zoning Ordinance shall apply.
2. Water Service
Water service to the Planned Community District will be provided by the City of Newport Beach.
3. Flood Protection
Development of the subject property will be undertaken in accordance with the flood protection policies of the City of Newport Beach.
4. Grading
Grading and erosion control measures will be carried out within the Planned Community as required by the Newport Beach Building and Planning Departments.
5. Archaeological/Paleontological Resources
Development of the site is subject to the provisions of City Council Policies K-5 and K-6 regarding archaeological and paleontological resources.
6. Sewage Disposal
Sewage disposal service facilities for the Planned Community will be provided by Orange County Sanitation District No. 5.
7. Landscaping
All landscaping along street rights-of-way shall be installed in accordance with a landscape plan prepared by a licensed landscape architect, which has been reviewed by the General Services Department and approved by the Public Works Department.
8. Mechanical Equipment Enclosures-Noise Attenuation
Prior to final building permit clearance, all new mechanical appurtenances (i.e. utility vaults and emergency power generators, etc.) shall be enclosed. Noise associated with said generators shall be attenuated at side property lines adjacent to residential uses to 55 dBA. The enclosure design shall be based upon the recommendations of a licensed engineer practicing in acoustics, and be approved by the Building Department. All rooftop equipment (other than vents, wind turbines, etc.) shall be architecturally treated or screened from off-site views in a manner compatible with the building materials prior to final building permit clearance for each new or remodeled building. Rooftop screening and enclosures shall be subject to the requirements of the 26/35 Height Limitation Zone.

9. Use Permit Required
Prior to issuance of any demolition, grading or building permit, a Use Permit shall be approved in conformance with these Planned Community Regulations.
10. Exterior Lighting
All exterior lighting shall be designed and maintained in such a manner as to conceal light sources and to minimize spillage and glare to the adjacent residential properties. Lighting plans shall be prepared by a licensed electrical engineer, with a letter stating that, in his opinion, this requirement has been met.
11. Loading Areas
All loading and unloading operations shall be performed on-site. Loading platforms and areas shall be screened from off-site views.
12. Refuse Collection
Outdoor refuse collection areas shall be screened from adjacent properties and streets.
13. Outdoor Paging
Outdoor paging shall be permitted only in limited, critical circumstances and shall be attenuated in accordance with the recommendations of a study prepared by a certified Acoustical Engineer. No outdoor paging shall be permitted until such a study is submitted to and approved by the Building Department.
14. Amplified Music
All amplified music played after 6:00 PM shall be confined within the interior of a building unless a Special Events Permit is obtained.
15. Restaurant/Bars and Theater/Nightclubs/Kitchen Facility Requirements
The restaurant, bars and theater/nightclubs and all other commercial/institutional kitchen areas shall be subject to the following requirements:
 - a. Kitchen exhaust fans are required and shall be designed to control odors and smoke, unless otherwise approved by the Newport Beach Building Department.
 - b. Washout areas shall be provided in such a way as to insure direct drainage into the sewer system and not into the bay or the storm drains, unless otherwise approved by the Newport Beach Building Department.
 - c. Grease interceptors shall be installed on all fixtures in any kitchen area where grease may be introduced into the drainage systems in accordance with the provisions of the Uniform Plumbing Code, unless otherwise approved by the Newport Beach Building Department and Public Works Department. Grease interceptors shall be located in such a way as to be easily accessible for routine cleaning and inspection.
16. On-Site Laundry/Dry Cleaning
The on-site laundry/dry cleaning facilities shall be subject to the following requirements:

- a. Any boilers shall be isolated in accordance with the requirements of the Uniform Building Code.
- b. Dry cleaning services shall be limited to pick-up/delivery and pressing only. No cleaning facility shall be operated on site.

IV. DEFINITIONS

All definitions in the City of Newport Beach Zoning Code shall be adhered to with the exception of the following:

Banquet/Ballroom

Conference shall mean a place of public assembly which may serve food and beverages for consumption on the premises within a structure that is fully enclosed with a roof and walls.

Boat Storage shall mean areas designated for dry dock storage.

Guard Station shall mean a permanent structure and gate used to direct visitors entering the property via automobile.

Guest Facility shall mean a hotel-type facility with living units intended for short-term occupancy by the general public (i.e., without restriction or membership requirement).

Marina shall mean a water area where vessels may be stored or moored.

Net Site Area shall mean the entire area of the site between the U.S. Bulkhead line, the ultimate right-of-way line of West Coast Highway and the side property lines.

Rooftop Terrace shall mean an area located above an enclosed occupied space partially or fully open to be used for, but not limited to, circulation, landscape, outdoor terrace, outdoor dining, pool/spa, other forms of recreation and fountains.

Seasonal Canvas shall mean a temporary structure for use on a seasonal

Structure basis which sells and/or serves food products and/or beverages for consumption on premises. It shall also mean a temporary structure for recreational beach related uses.

V. PERMITTED USES

A. Primary Uses Permitted

The following uses shall be permitted subject to approval of a use permit.

Area 1

- Guest Facility
- Guest Serving Retail Services
- Athletic Facility
- Restaurant, Bars and Theater/Nightclubs (Indoor/Outdoor)
- General Public Assembly Facilities
(i.e. Ballrooms and Conference Areas)
- Clothing/Dress Shops/Pro shop
- Barber Shop
- Jewelry Shop
- Beauty Salon
- General Retail
- Catering
- Seasonal canvas structures
- Guard station/gate
- Poolside concessions (food/beverage pool bar)

Area 2

- Residential Units

Areas 1 and 2

- Parking structures, lots, and facilities
- Marina/boat storage
- Pools and spas
- Rest room and locker facilities
- Administrative offices
- Other uses determined by the Planning Director or the Planning Commission upon referral from the Planning Director, to be of a similar nature and which are compatible with the intended use of the property.

B. Accessory Uses Permitted

Accessory uses shall be limited to those services and facilities intended to serve the needs of the Balboa Bay Club (employees, tenants, members and guests) and not the general public. The following accessory uses and structures are permitted when customarily associated with a permitted principal use on the same building site. Accessory use shall include the following:

Areas 1 and 2

- Maintenance Facilities
- Laundry Facilities
- Dry cleaners (pick-up/delivery and pressing only--no on-site cleaning plant)
- Carwash facilities (connection to sanitary sewer required)
- Employee support facilities (e.g., cafeteria, lockers)
- Guest business services (e.g., typing, copying, Fax services)
- Other uses determined by the Planning Director, or by the Planning Commission upon referral from the Planning Director, to be of a similar nature and which are compatible with the intended use of the property.

VI. BALBOA BAY CLUB DEVELOPMENT STANDARDS

A. Area 1 (Club Facility)

The following development standards shall apply to Area 1 (see Exhibit 3).

1. **Building Height**

Height limit shall be as provided in the 26/35 Height Limitation Zone of the City of Newport Beach Municipal Code measured from the elevation point off 11.50 feet MSL. Architectural features in excess of the height limit may be permitted by the Planning Commission, subject to the approval of a Use Permit in each case. In considering architectural features pursuant to this provision, the Planning Commission shall find the following:

- The size, scale and design of the feature are consistent with the design of the building.
- The feature is no larger than necessary to achieve the architectural statement.
- The feature will not significantly impact views from surrounding properties.
- There are no more features than needed for architectural interest and they are compatible with the architectural style.

2. **Setback Requirements**

a. Front (West Coast Highway frontage)

- Minimum building front yard setback shall be fifty (50) feet for occupied buildings.
- Surface Parking setback shall be a minimum of five (5) feet.
- Fences and walls shall not exceed 6 feet in height within the front yard setback and shall comply with the requirements of Section 4, below.

b. Side

- Minimum side yard setback along the Bayshores property line shall be one hundred-fifty (150) feet. Landscaping, planters, walls, fencing, trellises, pergolas, parking spaces and driveways shall be allowed within the setback area subject to a 10-foot height limit. Non-habitable architectural features

(e.g., trellis, awning, bay window) may encroach up to 5 feet into the required side yard setback.

c. Rear (bayfront)

- Building setback from U.S. Bulkhead line shall be a minimum of ten (10) feet. No solid fencing or walls greater than 3 feet in height shall be permitted within the rear yard setback. Transparent windscreens may extend up to 8 feet above grade.

3. Parking Standards

All required parking shall be provided on-site and may occur on surface lots and/or within parking structures. Parking for the permitted club facility uses shall be provided in accordance with a demonstrated formula upon the recommendations of a parking demand analysis reviewed by the City Traffic Engineer and approved by the Planning Commission.

Valet and tandem valet parking shall be permitted. Operational characteristics of any valet parking service and the location of parking areas used exclusively for valet and/or tandem parked cars will be subject to the review and approval of the City Traffic Engineer.

The design and layout of all parking areas shall be subject to the review and approval of the City Traffic Engineer.

The required number of handicapped parking spaces shall be designed within the on-site parking area and shall be used solely for handicapped self-parking. One handicapped sign on a post and one handicapped sign on the pavement shall be required for each handicapped space.

4. Landscaping, Walls and Fencing

Landscaping to include softscape and hardscape shall be provided in all areas not devoted to structures, parking, driveways, and loading dock areas. All landscape plans, where applicable, shall incorporate a combination of trees, shrubs, berms, fences and planters to adequately screen the property from adjacent uses, enhance building exteriors and create a "park like" setting. A minimum of five (5%) percent of surface parking areas shall be devoted to planting.

Trees in view corridors shall be maintained so as not to exceed 26 feet in height. (View corridors consist of the 150-foot setback on the eastern edge of the property and the ±100-foot-wide main entry area between the Palm Court building and the Spa building.) In areas other than view corridors,

trees shall be maintained so as not to exceed the height of the roofline of the adjacent building. No landscaping shall be permitted on rooftops.

A detailed landscaping and irrigation program (prepared by a landscape architect, licensed landscaping contractor or architect) shall be approved by the Planning and General Services Departments prior to issuance of building permits and installed prior to issuance of the Certificate of Use and Occupancy.

Landscaping shall be set back from the property line along West Coast Highway to provide sight distance in conformance with City Standard Plan #110-L.

Fencing within the front yard setback of Area 1 shall be predominantly an open design (e.g., wrought iron) so as to maintain public views of the marina and the bay from West Coast Highway. Landscaping shall be maintained so as to enhance public views. Solid walls or fences shall only be permitted in this area if it can be demonstrated that public views of the bayfront would not be obstructed.

B. Area 2 (Lodging Facility)

The following development standards shall apply to the Lodging Facility Use (Area 2) as shown on Exhibit 3.

1. Building Height

The height limit shall be as provided in the 26/35 Height Limitation Zone of the Newport Beach Municipal Code. The existing building is a legal nonconforming structure. Continued use of this structure shall be subject to the provisions of Chapter 20.83 of the Municipal Code (Nonconforming Structures and Uses).

2. Setback Requirements

a. Front

- Minimum building front yard setback shall be fifteen (15) feet.
- Perimeter theme wall, landscaping and parking may occur from building to property line.

b. Side

- Building setback from the side property line shall be a minimum of fifteen (15) feet.

c. Rear

- Building setback from U.S. Bulkhead line shall be a minimum of ten (10) feet.

3. Parking Requirements

Parking for lodging use shall not be less than 1.5 spaces per unit and shall be provided on-site.

4. Landscaping and Walls

Landscaping shall be provided in all areas not devoted to structures, parking and driveways. Landscaping shall consist of a combination of trees, shrubs, groundcover and hardscape improvements. Landscaping within front yard setback area shall be designed to create a "park like" setting, softening off-site views. Perimeter theme walls shall not exceed ten (10) feet in height from existing grade, and are subject to applicable City codes.

A detailed landscaping and irrigation program (prepared by a landscape architect, licensed landscaping contractor or architect) shall be approved by the Planning and General Services Departments prior to issuance of building permits and installed prior to issuance of the Certificate of Use and Occupancy.

VII. SIGN REGULATIONS

The purpose of this section is to define and provide development standards for all applicable signage located at the Balboa Bay Club.

A. Definitions

The terms listed in this section shall apply to the sign program and have meanings, which follow:

- Monument Sign** - The term "Monument Sign" means any sign which is supported by its own structure and is not part of or attached to any building and which is intended to depict project entry or project arrival.
- Sign** - The term "Sign" means any media including their structure and component parts which are used or intended to be used out-of-doors to communicate information to the public.
- Sign Face** - The term "Sign Face" means the physical plane and/or surface upon which the wording or images are applied.
- Sign Letter** - The term "Sign Letter" means the individual symbols used in forming the words of a message.
- Vehicle Entry Sign** - "Vehicle Entry Sign" shall refer to a sign denoting intersection points along West Coast Highway and which denotes access for automobiles into the Balboa Bay Club.

B. Permitted Signs

1. Project Identification Signs

Monument Signs, identifying the Balboa Bay Club main entry, are permitted at each vehicle entry drive location. Two (2) Vehicle Entry Signs are allowed at the main entry and one (1) sign at the service/secondary entry. The location of the signs shall be approved by the City Traffic Engineer to ensure adequate sight distance.

The sign area of each sign face shall not exceed 100 square feet and may be a series of panels or other artistic form interpreted by a designer. Sign area shall not exceed a total height of eight (8) feet.

Signs may include: illumination, natural moving water features, projections and use of neon when used to artistically enhance architectural features and/or signage.

2. Directional Signs

In addition to other signs permitted in this section, signs used to give direction to vehicular or pedestrian traffic within the project are permitted. Said signs shall not contain advertising messages and shall be subject to review and approval of the City Traffic Engineer.

3. Temporary Signs

In addition to other signs permitted in this section, temporary signs, intended to be displayed for sixty (60) days or less are permitted for purposes related to special events and/or seasonal activities. Temporary signs, identifying new construction or remodeling, may be displayed for the duration of the construction period and may extend beyond the sixty (60) day limit. No temporary signs above the first floor shall be permitted.

C. Sign Maintenance

Signs, together with all of their supports, braces, guys and anchors, shall be properly maintained with respect to appearance, structure and electrical features.

D. Restricted Sign Types

Signs visible from surrounding land uses are subject to the following special restrictions:

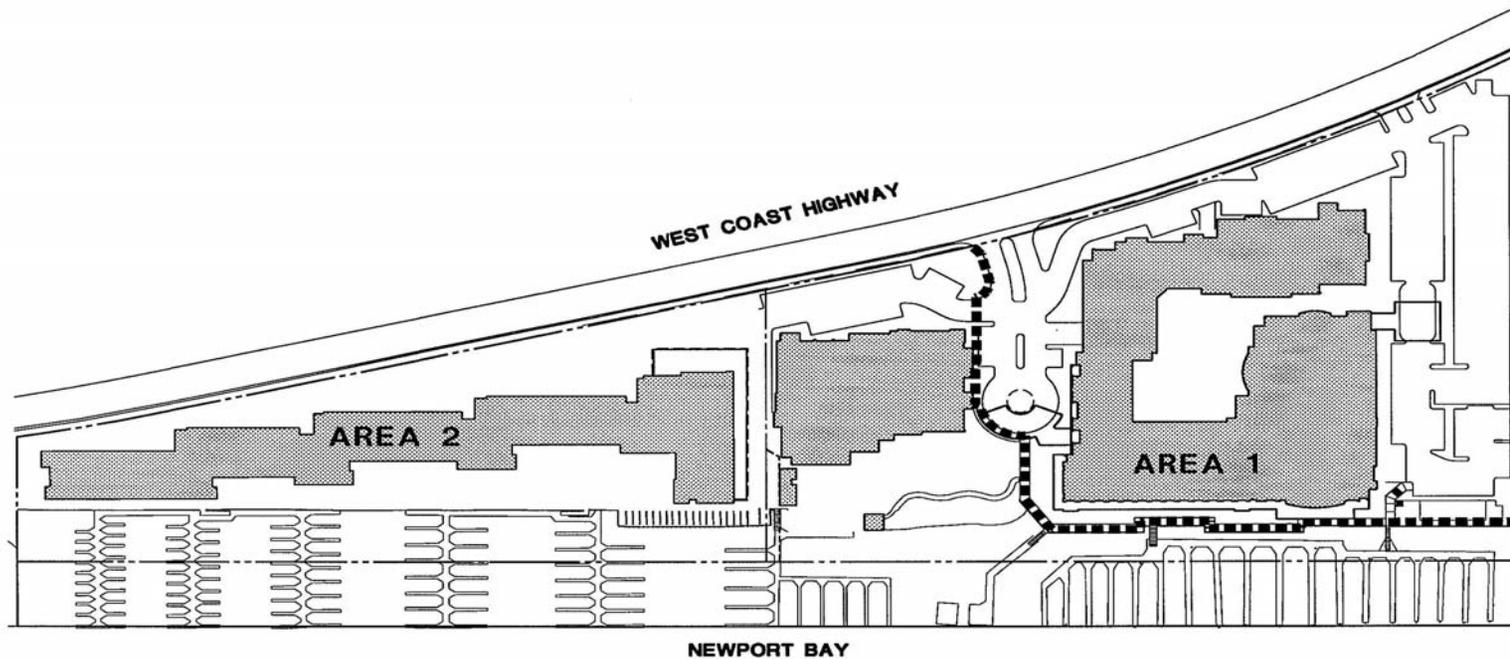
No rotating, flashing, blinking or signing with animation shall be permitted. No signs shall be permitted which initiate or resemble official traffic signs or signals. No wind or audible signs shall be permitted.

VIII. PUBLIC ACCESS PLAN

The Balboa Bay Club was established prior to passage of the Coastal Act and historically has operated as a private facility with access restricted to members, their guests, and attendees of scheduled functions. The Newport Beach Local Coastal Program/Land Use Plan states "... At such time as the extension of the lease is negotiated, full consideration shall be given to public access to the site."

This Planned Community Development Plan provides the general public access to restaurant and meeting facilities, retail shops, and a bayfront walkway (see Exhibits 4 and 5). In addition, 121 of the 145 hotel rooms shall accommodate overnight guests without any club membership requirement. Hotel guests shall have access to pool and exercise facilities in addition to the other public areas. The existing Terrace Apartments, small sandy beach, and a limited number of other new facilities may remain private for exclusive use by club members. The sandy beach area, which covers approximately one-quarter acre, is not large enough to accommodate unrestricted public access and does not have rest room facilities. Restricted use is therefore deemed necessary due to public health and safety considerations.

LCP/LUP Public Access Policies 5 and 6 state that access in new development shall be provided through the dedication of easements, both lateral (i.e., parallel to the shore) and vertical (i.e., perpendicular to the shore). Since the Balboa Bay Club property is under City ownership, public access shall be controlled through these Planned Community Development Regulations rather than easements. As shown in Exhibit 4, the general public may enter through the main entrance. Signage shall be provided to direct pedestrians to the bayfront walkway, and limited public parking shall be provided. Public access shall also be provided along the eastern section of the bulkhead, which is approximately 500 feet in length. Access to the walkway in front of the Terrace Apartments may be restricted because the only pathway to this area is through a parking lot and driveway, which could create a public safety hazard and security problem.



LEGEND

■■■■■ 48" WIDTH MINIMUM WALKWAY - ADA,
PEDESTRIAN ACCESSIBLE TRAVEL PATH
(1:20 MAXIMUM SLOPE, SEE CIVIL DWGS.)

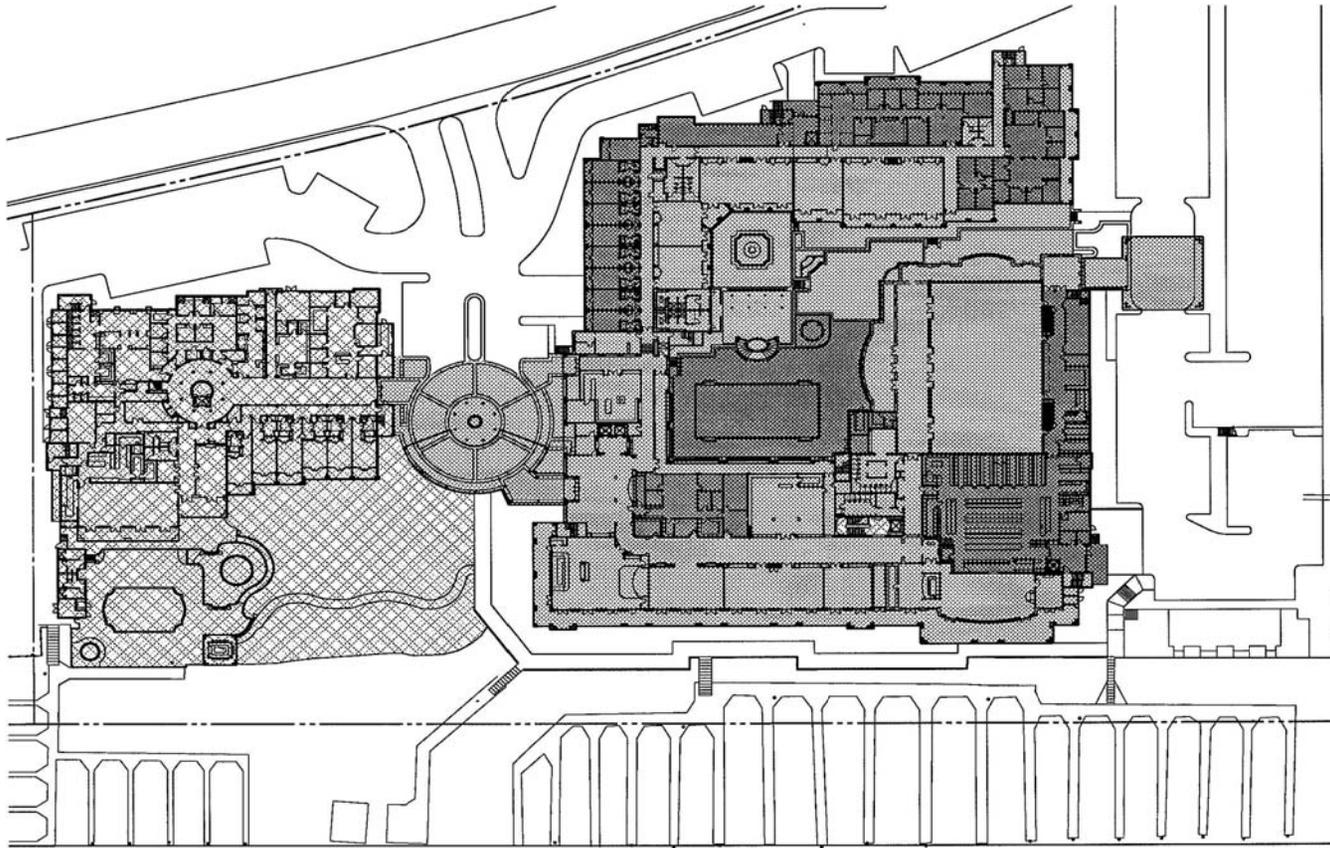


**EXHIBIT 4
PUBLIC ACCESS PLAN**
NO SCALE

Developer:
International Bay Clubs, Inc.

The Balboa Bay Club And Resort
City of Newport Beach, California





LEGEND

 CLUB MEMBER USE

 HOTEL GUEST/
PUBLIC USE

 GENERAL PUBLIC USE

FIRST FLOOR PLAN



EXHIBIT 5a
PUBLIC AND PRIVATE USE AREAS

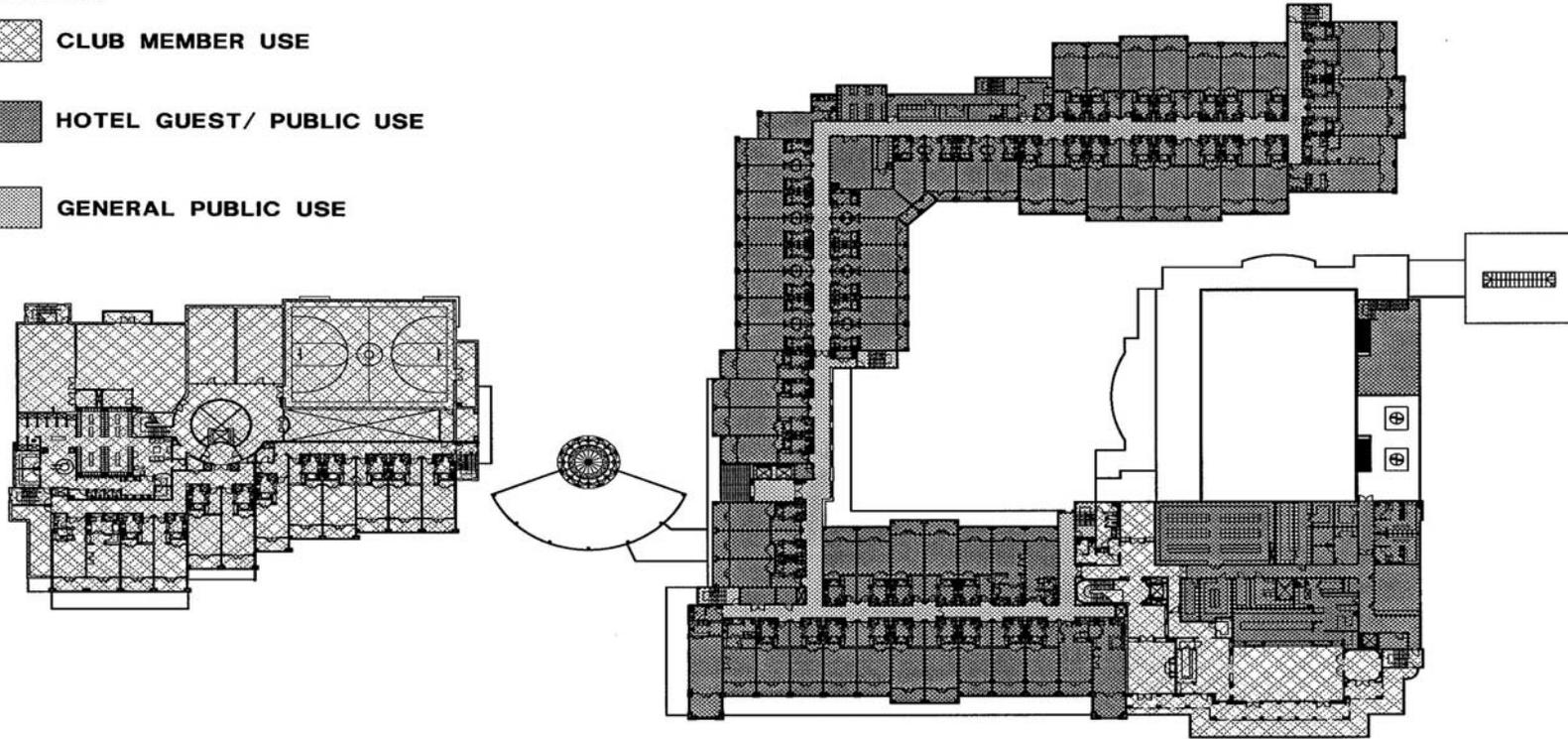
Developer:
International Bay Clubs, Inc.

The Balboa Bay Club And Resort
City of Newport Beach, California



LEGEND

-  CLUB MEMBER USE
-  HOTEL GUEST/ PUBLIC USE
-  GENERAL PUBLIC USE



SECOND FLOOR PLAN



NO SCALE

**EXHIBIT 5b
PUBLIC AND PRIVATE USE AREAS**

Developer:
International Bay Clubs, Inc.

The Balboa Bay Club And Resort
City of Newport Beach, California



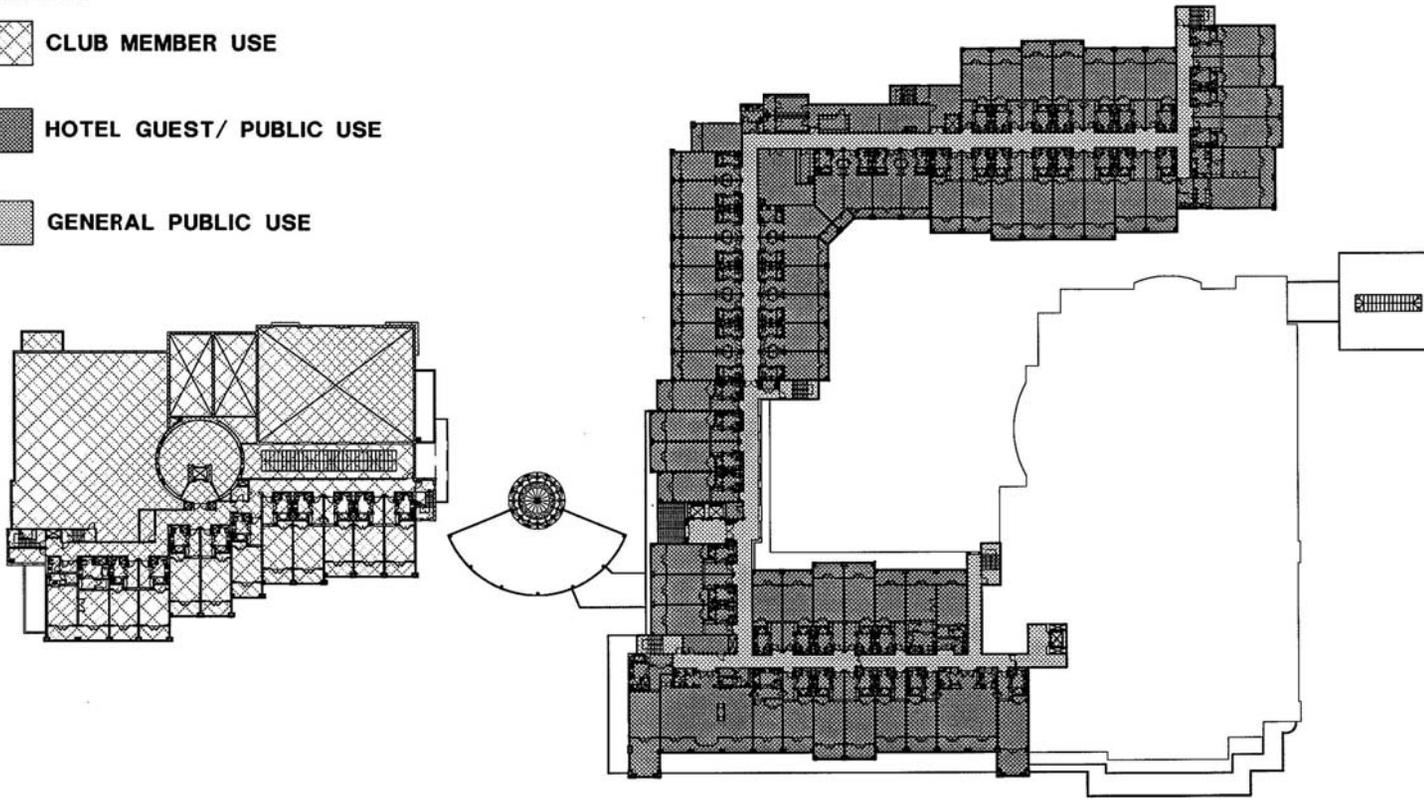
LEE & SAKAHARA
ARCHITECTS AIA
SEPT. 22, 1999

LEGEND

 CLUB MEMBER USE

 HOTEL GUEST/ PUBLIC USE

 GENERAL PUBLIC USE



THIRD FLOOR PLAN



EXHIBIT 5c
PUBLIC AND PRIVATE USE AREAS

Developer:
International Bay Clubs, Inc.

The Balboa Bay Club And Resort
City of Newport Beach, California



LEGEND



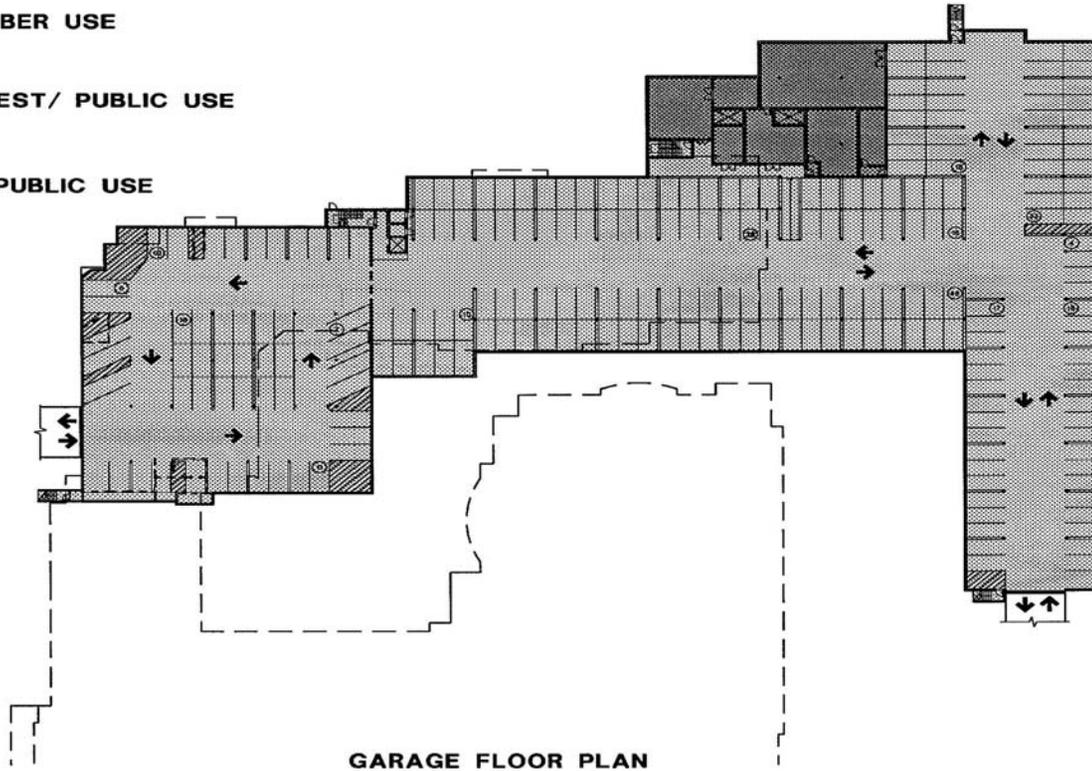
CLUB MEMBER USE



HOTEL GUEST/ PUBLIC USE



GENERAL PUBLIC USE



GARAGE FLOOR PLAN



NO SCALE

**EXHIBIT 5d
PUBLIC AND PRIVATE USE AREAS**

Developer:

International Bay Clubs, Inc.

The Balboa Bay Club And Resort

City of Newport Beach, California



Balboa Bay Club Planned Community District amendments:

Planning Commission Amendment No. 886:

Section II, Statistical Analysis regarding increase of guestrooms and gross square footage.
Section VI A 1, Building Height regarding elevation point measurement and include architectural features.